

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

Case No.: 1:19-CR-00018-ABJ

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROGER J. STONE, JR.,

Defendant.

**REPLY TO GOVERNMENT’S RESPONSE TO ROGER STONE’S MOTION
REQUESTING A SHOW CAUSE ORDER**

The government minimizes the second paragraph of this Court’s Order regarding the unsealing of the Court file, with a footnote. That footnote states: “Rather, the order conditioned the unsealing of the indictment on one event: the defendant’s arrest. Once that condition was satisfied at approximately 6:00AM on January 25, 2019, the indictment was no longer sealed for the purposes of the Court’s order and was no longer covered by the secrecy provisions of Rule 6(e).” (emphasis added). This, of course, ignores the language of the Order:

IT IS FURTHER ORDERED that the government shall inform the Court as soon as the defendant named in the Indictment is in custody so that the foregoing materials can be unsealed and entered on the public docket.

(emphasis added).

The government’s argument presumes that it, not the Court holds the authority to unseal the court file under Rule 6(e), and that the Clerk of Courts is also under its authority, and not the

Court's. The government also presumes it decides when the Court's purpose has been met and can release a draft of a document still under seal.

The government drafted the motion to seal and provided the proposed order that the Court adopted. (*Cf.* ECF No. 2-1, proposed order); *with* ECF No. 3, Order)). Presumably, the government knew what conditions were required before it released an early draft of the indictment since it drafted the proposed order. The government admits that it released a draft of the indictment before the court file was unsealed. Roger Stone, therefore has created a *prima facie* case of a Rule 6(e) violation. *See Barry v. United States*, 865 F.2d 1317, 1321 (D.C. Cir. 1989) (citations omitted).

CONCLUSION

Therefore, Roger Stone, by counsel, requests a show cause order directed to the Office of the Special Counsel to show cause why contempt did not occur.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 22, 2019, I electronically filed the foregoing with the Clerk of Court using CM/ECF. I also certify that the foregoing is being served this day on all counsel of record or pro se parties, via transmission of Notices of Electronic Filing generated by CM/ECF.

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